

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY SMITH, JR. and ROSLYN)	
WOODARD SMITH, Individually and as)	
Administrators of THE ESTATE OF)	
HARRY SMITH, III)	
)	
Plaintiffs,)	Case No. 04-1254-GMS
)	
v.)	
)	
CITY OF WILMINGTON, JOHN)	
CIRITELLA, THOMAS DEMPSEY, and)	
MATTHEW KURTEN,)	
)	
Defendants.)	

PLAINTIFFS' AMENDED APPENDIX D – 1

PROPOSED VERDICT FORM / SPECIAL INTERROGATORIES

Do you find from a preponderance of the evidence:

1. That the Defendant John Ciritella used excessive force against Harry Smith, III?

Answer: Yes _____ No _____

2. That the Defendant Thomas Dempsey used excessive force against Harry Smith, III?

Answer: Yes _____ No _____

3. That the Defendant Matthew Kurten used excessive force against Harry Smith, III?

Answer: Yes _____ No _____

IF YOU ANSWERED NO TO ALL OF THE THREE QUESTIONS ABOVE, THEN SKIP TO
QUESTION # 9 BELOW.

IF YOU ANSWERED YES TO ANY OF THE THREE QUESTIONS ABOVE, THEN GO TO
QUESTION # 4 BELOW.

4. State the amount of money you award to the Estate on behalf of Harry Smith, III.

\$ _____

5. State the amount of money you award to the parents of Harry Smith, III.

\$ _____

6. Is the City of Wilmington responsible for any or all of these police officers using excessive force against Harry Smith, III?

Answer: Yes _____ No _____

IF YOU ANSWERED NO TO QUESTION # 6, THEN SKIP TO QUESTION # 9 BELOW.

IF YOU ANSWERED YES TO QUESTION # 6, THEN ANSWER QUESTIONS #7 AND # 8.

7. State the amount of money you award to the Estate on behalf of Harry Smith, III.

\$ _____

8. State the amount of money you award to the parents of Harry Smith, III.

\$ _____

9. Was the corpse of Harry Smith, III abused?

Answer: Yes _____ No _____

IF YOU ANSWERED NO TO QUESTION # 9, THEN STOP HERE.

IF YOU ANSWERED YES TO QUESTION #9, THEN ANSWER QUESTION #10.

10. State the amount of money you award to the parents of Harry Smith, III.

\$ _____

SO SAY WE ALL.

Foreperson

DATED: _____